

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

BANKERS STANDARD INSURANCE,)	
COMPANY A/S/O DEBRA HORVATH,)	
)	
Plaintiff,)	
)	
v.)	Case No. 1:21-cv-5068
)	
INGERSOLL-RAND,)	Honorable
)	
Defendant.)	

NOTICE OF REMOVAL

Pursuant to 28 U.S.C. § 1441 and 1446, improperly named Defendant Ingersoll-Rand, the predecessor entity to the properly named Trane US, Inc. (“Trane”), gives notice that the case captioned *Bankers Standard Insurance Company a/s/o Debra Horvath v. Ingersoll-Rand*, Cook County Circuit Court Illinois Case No. 2021L007166, is removed to the United States District Court for the Northern District of Illinois, from the Circuit Court for the County of Cook, Illinois, where Plaintiff originally filed it on or about August 19, 2021. Trane US, via its predecessor Ingersoll-Rand, was served on or about August 25, 2021. True and correct copies of all process and pleadings served upon Trane US in that action are attached as **Exhibit 1 – Summons and Complaint**.

Statement of Grounds for Removal

1. Trane US bases this Notice of Removal on 28 U.S.C. § 1441(a), which allows removal of any state-court civil action over which the District Courts of the United States have original jurisdiction.

2. Federal Courts have original jurisdiction over this dispute because there is complete diversity of citizenship between the parties in this action and the jurisdictional amount in controversy is satisfied. *See* 28 U.S.C. §1332.

3. Plaintiff Bankers Standard Insurance Company (“Bankers”) is a corporation organized and existing under the laws of the Commonwealth of Pennsylvania, with its principal place of business located at 436 Walnut Street, Philadelphia, Pennsylvania. Compl. ¶ 1.

4. Bankers’ subrogor and insured, Debra Horvath (“Horvath”), at all relevant times owned and resided at 1410 Silo Ridge Road E, Orland Park, Illinois. Compl. ¶ 3.

5. Ingersoll-Rand, the predecessor entity to Trane US, Inc. (“Trane US”) is a corporation organized and existing under the laws of the State of New Jersey, having its principal place of business in Davidson, North Carolina. Compl. ¶ 5.

6. Horvath’s property allegedly experienced water damage from an air conditioning unit manufactured by Trane US, or its predecessor, that Bankers’ reimbursed under its policy of insurance Compl. ¶ 6-12.

7. Plaintiff seeks, *inter alia*, reimbursement of \$152,124.36 paid to Horvath for the “cost of reasonable repairs to the premises and replacement of personal property” because “the residence was damaged with water as a result of the leaking air conditioning unit.” Compl. ¶ 10-11.

8. In the Seventh Circuit, the Court may measure the value of the object of the litigation from either the plaintiff’s or the defendant’s viewpoint, known as the “either viewpoint” rule. *McCarty et al. v. Amoco Pipeline Co.*, 595 F.2d 389, 395 (7th Cir. 1979). The proponent of federal jurisdiction must allege facts that the amount in controversy exceeds \$75,000. *McNutt et al. v. Gen. Motors Acceptance Corp.*, 298 U.S. 178, 189, 56 S.Ct. 780, 80 L.Ed. 1135 (1936).

8. On these facts, Plaintiff alleges a sum certain of \$152,124.36 in purported damages; therefore, Trane US reasonably believes and avers that if Plaintiff proves each element of its claims and if Trane US's defenses all fail, the amount in controversy in this action exceeds \$75,000, exclusive of interests and costs.

9. This Notice of Removal is timely under 28 U.S.C. §1446(b), as it is filed "within thirty days after the receipt by the defendant, through service or otherwise, of a copy of the initial pleading setting forth the claim for relief upon which such action or proceeding is based. . . ." *Id.* Plaintiffs filed this action in the Circuit Court for the County of Cook, Illinois, on August 19, 2021; Trane US was served on or about August 25, 2021. Accordingly, Trane US's removal of this case is timely.

10. Trane US has not served an Answer or responsive pleading to the Complaint, nor made any appearance or argument before the Circuit Court for the County of Cook, Illinois.

11. In accordance with 28 U.S.C. §1446(d), concurrently with filing this Notice of Removal, Trane US will give written notice of the removal to Plaintiff and will file a true and correct copy of this Notice of Removal with the Clerk of the Circuit Court for the County of Cook, Illinois.

12. Trane US submits this Notice without waiving any of its rights and defenses to the claims asserted by Plaintiff or conceding that Plaintiff has pleaded claims upon which relief can be granted.

13. Trane US also does not admit any of the factual allegations in the complaint, and instead reserves the right to contest those allegations at the appropriate time. By filing an answer in this Court within seven (7) days of this removal as required by Fed. R. Civ. P. 81, Trane US

does not consent to venue in this Court and specifically reserves its right to challenge venue. Filing an Answer in this Court would be only to prevent the entry of a default.

14. Trane US further reserves the right to raise any proper basis to assert and maintain any positions regarding the continued exercise of and additional bases for federal jurisdiction over any or all of this matter, once removed and all other defenses to the allegations in Plaintiff's Complaint.

15. All of the other prerequisites for removal under 28 U.S.C. §§ 1441 and 1446 have been met.

WHEREFORE, Trane US gives notice that the referenced action now pending in the Circuit Court for the County of Cook, Illinois, has been removed to this Court.

Respectfully submitted,

BOWMAN AND BROOKE LLP

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CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing document has been served via E-mail and U.S. mail on the following counsel on the 24th day of September 2021, as well as filed using this Court's eFileIL system:

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